



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: WITHERS et al.
SERIAL NO.: 10/828,641
FILED: April 21, 2004
FOR: THERMAL AND ELECTROCHEMICAL PROCESS FOR METAL...
GROUP: 1742 Confirmation No. 5332
DOCKET: MER 03.01

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In connection with the above-entitled matter, Applicants hereby proffer U.S. Patent Office Form PTO-1449, including copies of the non-U.S. Patent references listed therein. Applicants are not submitting copies of the U.S. Patents as the Office waived the requirement. Applicants wish to bring to the attention of the Patent Office additional art received in connection with a Search Report and Written Opinion in Applicants' corresponding PCT Application, a copy of which is attached for the convenience of the Examiner. The claims in the present application are believed to be patentably distinguished over these references.

This information disclosure statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(A). No representation is made that the information thus disclosed in fact constitutes prior art or that it is the closest prior art, inasmuch as 37 CFR 1.56(A) relies on a materiality concept which depends on subjectivity.

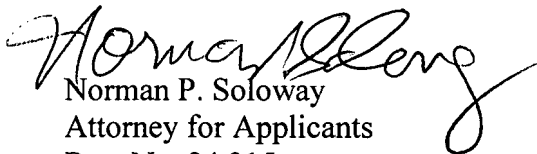
HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

In compliance with the requirements of 37 CFR §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a copy of the Search Report and Written Opinion by a foreign examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in a foreign patent application on the same subject matter. However, no independent analysis of the references, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of the country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith.

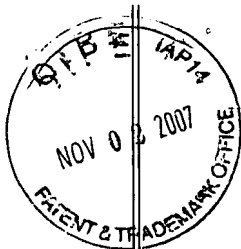
This Supplemental Information Disclosure Statement is being submitted within three months of the PCT Search Report and Written Opinion, as certified in the attached Certification for Information Disclosure Statement. In the event there are any fee deficiencies or additional fees are payable, please credit them, or credit any overpayment, to our Deposit Account No. 08-1391.

Respectfully submitted,


Norman P. Soloway
Attorney for Applicants
Reg. No. 24,315

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 30 October, 2007 at Tucson, Arizona.

By Arthur H. Hess

NPS:chs

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

Docket No.
MER 03.01

In Re Application Of: **WITHERS et al.**

NOV 02 2007

Application No.

10/828,641

Filing Date

APRIL 21, 2004

Examiner

ROE, JESSEE RANDALL

Customer No.

27667

Group Art Unit

1742

Confirmation No.

5332

Invention: **THERMAL AND ELECTROCHEMICAL PROCESS FOR METAL PRODUCTION**

COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☒ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- ☐ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.


Signature

Dated: **OCTOBER 30, 2007**

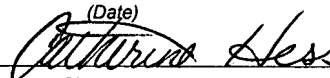
Norman P. Soloway
Reg. No. 24,315
HAYES SOLOWAY P.C.
3450 E Sunrise Drive, Suite 140
Tucson, AZ 85718
P: 520.882.7623
F: 520.882.7643

Certificate of Mailing by First Class Mail

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

October 30, 2007

(Date)



Signature of Person Mailing Correspondence

Catherine Hess

Typed or Printed Name of Person Mailing Correspondence

cc: